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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,257	01/26/2004	Valentin Botosan	706599US2	9582
24938	7590	02/06/2006	EXAMINER	
DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION			PILKINGTON, JAMES	
CIMS 483-02-19			ART UNIT	
800 CHRYSLER DR EAST			PAPER NUMBER	
AUBURN HILLS, MI 48326-2757			3682	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/765,257		BOTOSAN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	James Pilkington		3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/26/2004</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Martin et al, USP 5,415,509.

Re clm. 1, Martin et al disclose a locking plate (80) having at least one flexible, bendable locking tab (90) where said locking tab is bendable into locking engagement with the bolt to prevent the bolt from rotating.

Re clm. 2, Martin et al disclose a locking plate (80) that is adapted to be secured to a base member by at least a second bolt having a second, bendable locking tab (92) where second said locking tab is bendable into locking engagement with the bolt to prevent the bolt from rotating.

Re clm. 3, Martin et al disclose a bolt lock for locking a bolt (76) against rotation relative to a base member wherein the bolt has a bolt head provided with flat sides (78), a locking plate having an annular, ring-shaped body (80) having flexible, bendable locking tabs (90, 92, 94) where said locking tabs are bendable into locking engagement with the sides of the bolt head (78) to prevent the bolt from rotating.

Re clm. 4, Martin et al disclose a locking plate having an annular, ring-shaped body that is adapted to be secured to a base member by at least a second bolt (78) having a second, bendable locking tabs (90, 92, 94) where second said locking tab is bendable into locking engagement with the bolt to prevent the bolt from rotating wherein the second bolt has a bolt head provided with flat sides (78).

Re clm. 6, Martin et al disclose a rotary member (14), a base member (20) splined on said rotary member (Fig. 3) a bolt (76) threadedly engaged with said rotary member and having a polygonal bolt head (78) clamping said base member axially in a desired position on said rotary member and a bolt lock (80) secured to said base member having flexible, bendable locking tabs (90, 92, 94) engaging said bolt head to prevent the bolt from rotating.

Re clm. 7, Martin et al disclose a ring-shaped body (80) encircling a bolt head (78) having the locking tabs (92, 94) being formed on the radially inner edge of said ring-shaped body (80).

Re clm. 9, Martin et al disclose a base member which is an output gear (20) and a rotary member, which is a hub (14), said gear and hub comprise parts of a automotive vehicle transmission (col. 1 lines 41-43)

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin et al in view of Goss et al, USP 5,639,113.

Re clms. 5 and 8, Martin et al disclose all of the claimed subject matter as described above.

Martin et al do not disclose having a radially outward extension.

Goss et al teach radially outward extensions for the purpose of mounting a locking bushing (14, Fig. 2) (col. 2 lines 55-57).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Martin et al and provide outward extensions, as taught by Goss et al, for the purpose of mounting the locking plate in place.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Pilkington whose telephone number is (571) 272-5052. The examiner can normally be reached on Monday-Friday 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Pilkington  
1-31-2006



RICHARD W. RIDLEY  
~~PRIMARY EXAMINER~~

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